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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto  
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING LLC'S  
AMENDED ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL PORTIONS OF  
ITS MOTION FOR A SEPARATE TRIAL**

Courtroom: 8, 19th Floor  
Judge: Hon. William Alsup

Filed/Lodged Concurrently with:

1. Amended Declaration ISO Admin. Mot. to File Documents Under Seal
2. Amended [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Otto Trucking LLC (“Otto Trucking”) submits this administrative motion for an order to file under seal portions of Otto Trucking’s Motion for a Separate Trial (the “Administrative Motion”). Specifically, Otto Trucking requests an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Parties Claiming Confidentiality
Otto Trucking’s Motion for a Separate Trial	Highlighted Portions	Defendants (highlighted in blue)
Exhibit 1 to Chatterjee Declaration – Excerpts of Deposition Transcript of Michael J. Wagner, dated September 22, 2017	Entire Document	Defendants Waymo LLC
Exhibit 3 to Chatterjee Declaration – Excerpts of Plaintiff Waymo LLC’s Supplemental Objections and Responses to Otto Trucking, LLC’s [sic] Interrogatory Nos. 1-9, dated August 24, 2017	Entire Document	Otto Trucking (highlighted in blue) Co-Defendants Waymo LLC

The highlighted portions of Otto Trucking’s Motion for a Separate Trial and the entirety of Exhibits 1 and 3 to the Chatterjee Declaration contain highly confidential, sensitive business information relating to negotiations of the terms of Otto Trucking’s agreements, its corporate structure, and sensitive financial and business information. This information is not publicly known, and its confidentiality is strictly maintained. I understand that this information could be used by competitors to Otto Trucking’s detriment, including in the context of negotiating business deals. If such information were made public, I understand Otto Trucking’s competitive standing could be significantly harmed.

In addition, Exhibit 1 to the Chatterjee Declaration is the transcript of the deposition of Waymo’s damages expert Michael Wagner, which has been designated “Highly Confidential – Attorneys’ Eyes Only” and contains highly confidential information material from all parties in accordance with the Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6).

Pursuant to the Protective Order and subsequent stipulations, the parties have nine days to designate specific portions of the testimony as confidential or highly confidential. In the interim, Otto Trucking asks the Court to seal the entirety of the transcript. Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective Order.

Further, Exhibits 1 and 3 to the Chatterjee Declaration contain information that Plaintiff Waymo LLC (“Waymo”) has designated and may contain information that Co-Defendants Uber and Ottomotto have designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in this case. Otto Trucking states no position about whether the confidentiality designations are appropriate. Otto Trucking anticipates that Waymo and Co-Defendants will file any necessary declarations to seal the above information pursuant to Local Rule 79-5.

Otto Trucking’s request to seal is narrowly tailored to those portions of the Administrative Motion and its supporting documents that merit provisional sealing.

Dated: September 29, 2017

Respectfully submitted,

By: /s/ Neel Chatterjee

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **September 29, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **September 29, 2017**.

/s/ Neel Chatterjee  
NEEL CHATTERJEE